THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5190 of 2006

DATED: 17-03-2006

Between:

Y. Mallaiah …Petitioner

and

The Mandal Revenue Officer,

Malkajgiri Mandal, R.R.District. … Respondent

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5190 of 2006

ORDER:

Petitioner filed the present writ petition seeking to declare the action of the respondent in interfering with the peaceful possession and enjoyment of the plots admeasuring Ac.0.14 guntas and Ac.1.06 guntas in Survey Nos.151/1 and 153/1 situated at Neredmet village, Malkajgiri Mandal, R.R. District without issuing notice and without following due process of law as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondent and perused the material on record.

It is the case of the petitioner that an extent of Ac.0.14 guntas

and Ac.1.06 guntas in Survey Nos.151/1 and 153/1 situated at Neredmet village, Malkajgiri Mandal, R.R. District was purchased by the wife of the petitioner and she

died on 15-05-1993 and thereafter, the name of the petitioner was mutated in the municipal records and revenue records and since then he is in possession and enjoyment of the same. It is stated that the respondent without following due procedure prescribed under law is interfering with his land claiming that the said land belongs to Government.

I am not inclined to express any opinion as to whether the petitioner has encroached any government land or not. However, if there is any claim of the government, the respondent cannot interfere with the peaceful possession and enjoyment of the said land without following due procedure prescribed under law.

Accordingly, the writ petition is disposed of directing the respondent not to interfere with the petitioner's peaceful possession and enjoyment of the land without following due process of law. No order as to costs.

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V. ESWARAIAH, J.

Dated: 17-03-2006

Note:

Issue C.C.within three days.

(B/O)

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